

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Wynn,

Plaintiff,

-against-

Lee,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 04/26/2018

1:11-cv-03650 (VSB) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, on May 13, 2011, Petitioner Vone Wynn (“Petitioner” or “Wynn”) commenced this action by filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254; and

WHEREAS, on March 1, 2016, Thomas Francis Liotti filed a Notice of Appearance on behalf of Wynn in this case (ECF No. 55); and

WHEREAS, during approximately the subsequent six months, Mr. Liotti took certain actions in his representation of Petitioner (ECF Nos. 57, 59, 66, 69 and 72); and

WHEREAS, during his representation of Petitioner, Mr. Liotti informed the Court that Wynn would continue to file submissions in this case (*see, e.g.*, ECF Nos. 57 and 59),¹ even though, as Petitioner’s counsel, only Mr. Liotti is permitted to do so by filing his own submissions on behalf of his client; and

WHEREAS, Mr. Liotti has not taken any action in this case since September 28, 2016, the filing date of his last submission (ECF No. 72), including failing to respond in any way to an Order

¹ Including on May 27, 2016, when Mr. Liotti represented to the Court that he had, in fact, *directed* Wynn to file submissions in this case. (Letter, ECF No. 59 (“I am adopting [Wynn’s] *pro se* submission and directed Mr. Wynn to file an affidavit of service with the Court.”).)

from this Court dated March 6, 2018, directing each party to submit a status update (ECF No. 78);

and

WHEREAS, Mr. Liotti remains listed as counsel of record on this case's docket; and

WHEREAS, Petitioner has continued to provide submissions to this Court, despite the fact that Mr. Liotti is still listed as Petitioner's counsel, and therefore the only person who should be making submissions on behalf of Petitioner.

NOW, ACCORDINGLY, IT IS HEREBY ORDERED, that Mr. Liotti shall show cause no later than Friday, May 18, 2018 why he should not be relieved as counsel for Petitioner in this case, pursuant to Local Civil Rule 1.4.

The Clerk of Court is directed to mail a copy of this Order to the Petitioner at the address provided for Petitioner on the docket: Vone Wynn, 05-A-1844, Green Haven Correctional Facility, 594 Rt. 216, Stormville, NY 12582-0010.

SO ORDERED.

DATED: New York, New York
 April 26, 2018

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge